

**AMENDMENT TO BISHOP RESOURCE MANAGEMENT PLAN**  
**ENVIRONMENTAL ASSESSMENT, FONSI AND PROPOSED DECISION**

**BLM, Bishop Field Office**  
**785 N. Main St, Suite E**

**Bishop, CA 93514**

**EA Number:** CA-170-03-29

**Lease/Serial/Case File No.:** CACA 41111

**Proposed Action Title/Type:** Amendment to the Bishop Resource Management Plan to designate 40 acres as available for sale or disposal.

**Location of Proposed Action:** Northeast of Bridgeport, Mono County, CA (SW 1/4 NE 1/4, Section 28, T 5 N, R 25 E, MDBM). Per the certified Cadastral Dependent Resurvey dated February 28, 2003 this area is now known as Lots 1,2,3 and 4. See Maps I and II.

**Applicant (if any):** Bridgeport Indian Colony

**Description of the Proposed Action:** The Bridgeport Indian Colony is requesting that the BLM sell 40 acres of land to the Tribe, to be simultaneously taken into Trust Status by the Bureau of Indian Affairs (BIA). As the parcel was not identified for disposal in the Bishop Resource Management Plan (RMP), the proposed action would be to amend the RMP to designate this parcel as available for disposal to the Tribe

A decision to actually sell or not sell the parcel would be under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA; Public Law 94-579) and will be made in a separate NEPA analysis.

**Description of Alternatives:**

Alternative 1 – Designation of the entire 40 acres as available for sale or other disposal.

Alternative 2 – No designation (existing situation).

**Need for the Proposed Action:** The Bridgeport Indian Colony's existing reservation is 40 acres. The reservation is north of town and does not include any land adjacent to the highway. The Bridgeport Indian Colony is a federally recognized American Indian Tribe. The tribe is seeking this land to allow it to expand opportunities to provide housing, economic development and other services to its members. The long term survival of the Bridgeport Indian Colony is dependent upon its ability to provide employment and housing opportunities for its membership.

The Tribe has requested a land sale under Section 203 of FLPMA, part (a)(3) which states that "disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership."

**Plan Conformance:** The proposed action is subject to the Bishop Resource Management Plan (RMP), approved March 25, 1993. The proposed action has been reviewed and is not in conformance with the plan. If the action is approved, the decision would be to amend the land use plan and designate the 40 acres as available for disposal.

**Conformance with Local Plans:** The Mono County General Plan has several provisions for residential and economic activities in the county and in the Bridgeport Valley. This proposal appears to be consistent with the county plan. Specific parts of the plan that appear applicable (all from Chapter II, Land Use Element, Policies section, written 1993, partially revised in 1999) include:

- Countywide Policies, Objective A, Policy 1: Contain growth in and adjacent to existing community areas. (Pg II-25)  
\*Note: The General Plan section for the Bridgeport Planning Area specifically identifies and includes the Rancheria (e.g. the Bridgeport Indian Colony Reservation) as part of the “community area.” (Pg II-48, 1999).
  - Action 1.1: Encourage infill development in existing communities and subdivisions. New residential subdivision should occur within or immediately adjacent to existing community areas.... (Pg II-25)
  - Action 1.2: New residential development for permanent year-round residents should be concentrated in existing community areas. (Pg II-25)
  - Action 1.3: Provide sufficient land to accommodate the expansion of community areas, including sites for affordable housing. (Pg II-25)
  - Action 1.4: Support the exchange of public lands into private ownership for community expansion purposes if consistent with General Plan policies. (Pg II-25)
  - Action 1.5: Future development projects with the potential to induce substantial growth or concentration of population, or to substantially alter the use and density on a parcel . . . shall assess potential impacts prior to project approval. . . . (Pg II-25)
  - Action 3.3: Proposals for development on federal lands shall address 1) impacts to nearby communities, including impacts to services and infrastructure, and 2) potential environmental impacts of the project and measures to avoid or mitigate the project. (Pg II-27)
- Countywide Policies, Objective C: Provide for the housing needs of all resident income groups, . . . (Pg II-30)
  - Policy 1: Designate adequate sites for a variety of residential development in each community area. (Pg II-30)
  - Policy 2: Provide for affordable housing. (Pg II-30)
- Countywide Policies, Objective D: Provide for commercial development to serve both residents and visitors. (Pg II-31)
  - Policy 1: Concentrate commercial development within existing communities. (Pg II-31)
    - Action 1.1: Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors. (Pg II-31)
  - Policy 2: Commercial uses should be developed in a compact manner: commercial core areas should be established / retained in each community area, . . . . (Pg II-31)
    - Action 2.1: . . . Avoid strip commercial development. (Pg II-31)
- Countywide Policies, Objective H: Maintain and enhance the local economy. (Pg II-33)
  - Policy 1: Land use designations and zoning districts shall provide sufficient land for the economic development of community areas. (Pg II-33)
  - Policy 2: Assess the economic costs and benefits of proposed development projects. (Pg II-33)
  - Policy 3: Ensure that future development does not significantly impact governmental service providers. (Pg II-34)

- Policy 5: Promote diversification and continued growth of the County's economic base. (Pg II-35)
  - Action 5.1: Encourage and promote the preservation and expansion of the County's tourist and recreation based economy. (Pg II-35)
  - Action 5.4: Concentrate development in existing communities in order to facilitate community economic growth. (Pg II-35)
- Bridgeport Valley – Goal: Provide for orderly growth in the Bridgeport Valley in a manner that retains the small town character, and protects the area's scenic, recreational, agricultural, and natural resources.
- Bridgeport Valley, Objective A: Guide future development to occur on existing private lands in Bridgeport Townsite, east of Bridgeport Reservoir, in the Evans Tract, and at Twin Lakes. (Pg II-48)
  - Policy 4: Carefully evaluate the exchange of federal lands for community expansion in order to ensure consistency with the Bridgeport Valley land use goal. (Pg II-49)

The proposed action is in compliance with the objectives, policies and actions in the Mono County General Plan. Specifically, the Plan identifies the Rancheria (e.g. the Reservation) as part of the "community area." It then delineates that existing community areas should be infilled with further residential (including affordable housing) and commercial development.

### **Existing Environment:**

The 40 acre parcel lies about ½ mile NE of the town of Bridgeport, along state Highway 182, in Mono County, CA. South of the Parcel is private land occupied by a church and residential development. West of the parcel is the Bridgeport airport runway and Bridgeport Reservoir. East of the parcel is the 40 acre reservation for the Bridgeport Indian Colony. North of the parcel is a County operated landfill and BLM managed public lands.

The parcel lies at the base of the alluvial fan coming from the Bodie Hills, where it meets the Bridgeport Valley. State Highway 182, which cuts through the western edge of the parcel, travels along the zone where the valley and the alluvial fan meet.

A strip of public land (about 270 acres) along the east side of Highway 182, immediately north of this parcel, was identified for disposal in the RMP. Part of this land, containing the Bridgeport Landfill, has been transferred to Mono County. The remainder of this 270 acre disposal area is within a Wilderness Study Area and is, therefore, not currently available for disposal.

For some reason, this 40 acre parcel requested by the Tribe was overlooked in the RMP. Already, and even more so with the eventual disposal of the 270 acres already identified in the RMP for disposal, the 40 acre parcel requested by the tribe is and would be an isolated piece of public land.

### **Soils**

The soils are comprised of shallow to deep well-drained sandy loams in the Bodie-Pernty-Serita association. These soils have developed from andesite or rhyolite and are the dominant unit that occurs on the foothill slopes of the Bodie Hills and lower alluvial fans. Erosion potential is moderate.

## Vegetation

Vegetation communities within the proposed project area consist of Great Basin sagebrush (*Artemisia tridentata* ssp. *wyomingensis*, *Artemisia tridentata* ssp. *tridentata*) with inclusions of low sage (*Artemisia arbuscula*). Understory species are comprised of perennial bunchgrass species which include, but are not limited to, squirreltail (*Elymus elymoides*) and Great Basin wild rye (*Leymus cinereus*) and such dominant perennial forb species as *Crepis acuminata*, *Lupinus argenteus*, and *Phlox stansburyi*. The Potential Native Plant Community is approximately 55 percent grasses, 15 percent forbs and 30 percent shrubs. Vegetation structure is diverse with shrub sizes ranging between 0.2 to 1.5 m.

On the western edge of the parcel, west of State Highway 182, is a small area of wetlands that contain obligate and facultative wetland plant species.

## Special Status Species

Special Status Plant Species are those species that have been listed by the California Native Plant Society as List 1B species which includes plants that are rare, threatened or endangered in California and elsewhere. All of the plants constituting List 1B meet the definition of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. The Bishop Resource Management Plan (RMP, 1993, p. 17) stipulates year-long protection of sensitive plant (Special Status Plant) habitats.

An intensive survey was completed by BLM's botanist on May 11, 2000, during the best phenological stage for checking for rare plant species. The survey consisted of walking a series of north to south transects spaced about 5 meters apart.

The survey found 6 rare plant populations. The species located included 2 populations of Bodie Hills draba (*Cusickiella quadricostata*) and 4 populations of Masonic rock cress (*Arabis cobrensis*).

Site 1, Bodie Hills draba (*Cusickiella quadricostata*) was found on April 7, just outside the northern end of the parcel. The site is heavily impacted by repeated OHV use.

Sites 2-6 were located on May 11, on the parcel. The table below highlights the number of individuals per site within a 20 m radius and the general trend based upon observed recruitment and condition of soils and surrounding associated vegetation.

Site Number	Species	Number of Individuals	Plant Trend
1	<i>Cusickiella quadricostata</i>	3	Poor
2	<i>Arabis cobrensis</i>	25	Good
3	<i>Arabis cobrensis</i>	25	Good
4	<i>Arabis cobrensis</i>	30	Good
5	<i>Arabis cobrensis</i>	35	Good
6	<i>Cusickiella quadricostata</i>	5	Poor

The discovery of the Bodie Hills draba (*Cusickiella quadricostata*) is of particular biological interest because it is the lowest recorded elevation for this species and as such may represent a genetically

disjunct population. The closest recorded population of this species is at Travertine Hot Springs and the remaining 31 known locations are all located above 7000 ft in the Bodie Hills.

The Masonic rock cress (*Arabis cobrensis*) is known from 5 other locations within the Mono Basin and Bridgeport area with a 6<sup>th</sup> known population in the Warner Mountains. Plants within the project area appear to be reproducing and each mapped location contained at least 15% younger age-class individuals.

No other potential rare species, e.g. the Long Valley milk-vetch (*Astragalus johannis-howellii*) or the Great Basin onion (*Allium atrorubens* var. *atrorubens*) were found on the parcel.

### Wildlife Habitat

Wildlife habitat was assessed on 11 January 2000. Wildlife habitat on the parcel consists of sagebrush of varying heights, with patches of bunchgrass understory in some parts; ground cover is comprised largely of human detritus from prehistoric times through the present.

The parcel appears to have limited value to wildlife due to its small size, proximity to human activity and isolation from larger, less disturbed habitat patches: it is surrounded on two sides by paved roads and on the other two sides by residential areas. Generalized maps of mule deer migration corridors show the nearest corridor to be about 4 miles from the parcel. There is evidence (a few pellet groups) of slight use by mule deer. No sign of sage grouse use was observed. The nearest sage grouse lek is more than two miles away. It is possible that other sagebrush obligate birds breed on site. No other wildlife species of special concern are known or expected to depend upon the site. Lagomorphs (jackrabbit and/or cottontail) were present but uncommon, as evidenced by a few pellet groups. Large anthills are common on the site and a northern flicker was observed.

### Cultural Resources

Two archeological sites occur in and adjacent to the parcel: sites CA-MNO-3125/H and CA-MNO-3126. MNO-3125/H is a large prehistoric and historic site (121,482 m<sup>2</sup>, 30 acres) which consists of numerous use areas, or loci, where the main activity was primary core reduction and early stage biface production of secondary deposits of Bodie Hills obsidian. The prehistoric component of the site literally covers the entire parcel and essentially blends with MNO-3126, a prehistoric site (19,476 m<sup>2</sup>, 4.8 acres), on the northwest corner of the parcel.

Historic deposits cover roughly 15 acres and include turn of the century detritus with the highest percentage (80%) of materials dating from 1930 to 1950.

Surface and subsurface investigations were conducted on the parcel to assess the condition, integrity and research potential of MNO-3125/H and MNO-3126 for the purposes of determining their eligibility to the National Register of Historic Places (NRHP). These investigations are detailed in Halford 2000. Obsidian hydration analyses and diagnostic projectile points indicate that both sites were used through the last 10,000 years B.P., with the most intensive periods of use occurring during the Early Archaic/Mohave periods (ca. 3,500-10,000 B.P.).

After consideration of deposit integrity, densest areas of concentration, those exhibiting the highest degree of research potential and for reasonable and prudent management purposes, the site boundaries of CA-MNO-3125/H and CA-MNO-3126 were delineated so that the intact deposits in the northwest area of the parcel were incorporated within CA-MNO-3126. Due to the fact that the southern and eastern portions of the project area, located within CA-MNO-3125/H, have been impacted by dumping, road building, bulldozer activity, natural alluvial activity, and that the recordation of the site has exhausted its information potential, it was determined to be ineligible for the NRHP.

To be eligible for the NRHP a site must possess a certain degree of integrity. The northwestern corner of the project area, where CA-MNO-3126 is located, is the most intact area of the parcel. CA-MNO-3126 retains a high level of integrity and due to its research potential has been determined eligible for the NRHP. The State Historic Preservation Officer (SHPO) concurred with these determinations in a letter dated May 22, 2001 (BLM010221A).

### Lands

Besides the state highway, there are 8 known right-of-way authorizations located within the proposed action area. The rights-of-way (including the highway) are:

CAS 2240	SCE Power line, 25' wide;
CAS 059135	Verizon Telephone line, 30' wide;
CAS 053545	Caltrans Highway 182, 400' wide;
CACA 6432	Verizon Underground telephone cable, 10' wide;
CACA 6044	Indian Health Services, Pipeline and Power line, 60' wide;
CACA 4083	BIA Road, dike, ditch and fill area, 60' wide;
CACA 8757	Bridgeport PUD Pipeline, 50' wide;
CACA 5332	SCE Power line, guy and anchor point, 25' wide.

Field exams and a cadastral survey have located some structures within the southern portion of the disposal parcel near the private residential area. Nobody has claimed the structures and BLM is in the process of removing them.

There is an old can dump (25 acres) within the disposal parcel. No BLM records exist for this dump site. It is considered an old trespass and there are no responsible parties identified.

There is a second dump area containing buried cars, appliances and unknown debris, located in the northeastern portion of the parcel. This portion of the parcel was used as a dump prior to creation of the adjacent reservation.

### Hazardous Materials

An Environmental Site Assessment Phase I was completed on October 10, 2000 and an Environmental Site Assessment Phase II was completed on June 4, 2001.

There was a 50-gallon drum leaking a tar-like substance in the northeastern portion of the parcel. The substance covered about 1200 sq. ft. of surface. It is completely solid and appears to have been there for more than 30 years. The entire area has rusty cans and other materials as mentioned in the lands section above. No chemicals were found in any of the rusty cans, however these cans appear to be old oil and gas cans.

BLM contracted with a specialized firm to have the tar-like substance removed and to have sub-surface testing conducted. The contractor's report shows no indications of any sub-surface hazardous materials. The BIA has reviewed the sampling strategy and concurs with the results.

There is also no evidence of hazardous materials associated with the large can dump in the middle of the parcel. Nor is there any evidence of any buried material in this area.

### Minerals

A Mineral Potential Report was completed on January 30, 2001.

There are no mineral resources of value on the parcel.

### **Economic and Social Impacts of Disposal and Tribal Land Acquisition:**

Designating the area as available for disposal and ultimately selling or otherwise disposing of the 40 acres or any parts thereof would have some impacts to the local area. If it were sold or exchanged to private interests, there would potentially be impacts to the local Public Utility Department for water and sewer. There would potentially be some impacts to the County and other service entities to provide law enforcement, road maintenance, schools, etc. There would be positive economic benefits should commercial development occur.

As the Tribe has requested a sale of the parcel, we will analyze that as the most likely scenario.

The Tribe has stated that its primary need for the subject property is for the development of additional housing, economic development and employment opportunities for tribal members. The acquisition / transfer of the property would double the Tribe's land base. The Tribe had an economic feasibility report completed for them in December 1995 by the Economic Development Center of Sacramento, CA. The report examined existing businesses in Bridgeport and the surrounding area, and indicated that a mini-mart / gas station, capturing about 8% of the business in the area, would be economically feasible. The report also said that a casino, an RV park and a community center would be economically feasible.

The primary economic development being considered by the Tribe is a gas station / mini-mart / gift shop. Additional development could include an RV Park and Community Center. A community center might offer indoor swimming, a small theater, indoor basketball courts and other amenities.

A casino is not being considered at this time. In 1995 the Tribe was approached by private investors with the concept of opening a small casino as a temporary facility. The intent of this operation was to determine whether such a venture would be feasible in the Bridgeport area. The Tribe agreed to investigate this opportunity and opened the temporary casino in its community center. After approximately one year, it was determined that it was in the Tribe's best interest to discontinue the operation and the casino was closed.

The passage of recent legislation in California has made it financially advantageous for small non-gaming Tribes to remain non-gaming Tribes. With the passage of Proposition 1-A, the Governor's Office has negotiated and signed model gaming compacts with many tribes in California. Under the model compact, each Tribe in the State is allocated 350 gaming devices which are placed into a pool for use by the compacting tribes. Each non-gaming Tribe will be paid a certain amount by the gaming tribes for use of its allocation of gaming devices. Those tribes in isolated rural areas, such as Bridgeport, will stand to benefit from gaming by allowing the gaming tribes located in urban areas to use their allocation of gaming devices.

### **Economic and Social Benefits Analysis**

Revenue generated through Tribal economic development would be used to meet the human needs of the entire reservation including employment and job training, special needs for the young and elderly and payment for services such as public utilities, fire and police protection. The Tribe is considered to be a primarily low income and minority group per Executive Order 12898 (Environmental Justice; 2/11/94). Only four of 21 households on the existing reservation are at or above the median income level. Seventeen families are currently eligible for housing that is not available. There are also 13 applications on file for land assignments.

Spin-off economic benefits are expected to occur in the non-Indian community through increased employment, spending and tax revenue. Some local businesses have expressed concern that economic development on reservation land could impact existing local business concerns. Other local business owners (including some who would be in direct competition with the Tribe's intended businesses) have stated their support for the transfer of the land. They believe that any economic development by the Tribe will help the entire economy – more jobs and more attractions – thus benefitting them and the entire economy of northern Mono County.

The Mono County Board of Supervisors have expressed concern about the impact development on the reservation would have on county services. The Tribe has stated it will pay its fair share for impacts that its development may have on community / public services. Where Tribal funds are not immediately available, the Tribe has stated it will cooperate with the County in seeking other sources of funding to offset impacts to public services.

On October 10, 2000 the Mono County Board of Supervisors adopted a formal Protocol for Government to Government Relations with the Bridgeport Tribe. On May 1, 2001 the Board of Supervisors expressed confidence that any outstanding issues affecting the sale of the land to the Bridgeport Tribe could be satisfactorily resolved using the procedures outlined in the Government to Government Relations Protocol.

There may be some negative economic impacts to local commercial operations resulting from tribal use of the property for a gas station and mini-mart. The managers of the Chevron and Union 76 stations were consulted during preparation of the economic feasibility report and did not believe that another gas station / mini-mart would be profitable (one indicated that several attempts had failed during the past several years; and the Chevron owner requested that the Tribe consider buying that business). The Texaco manager thought another gas station / mini-mart would be OK. There is currently limited competition for gasoline in the Bridgeport area with gasoline prices generally \$.40+ higher than in Bishop (90 miles south) and \$.70+ higher than in Gardnerville (90 miles north).

Development of an RV park is expected to have a positive economic benefit to the community. During recent testimony before the Mono County Board of Supervisors regarding a current RV park development proposal, business representatives expressed the need for additional RV / camping opportunities in the Bridgeport area. BLM also received a letter from a local RV park owner supporting the Tribe's development proposal as benefitting the entire local economy, even though perhaps in direct competition with the owner.

The feasibility report also stated that a community center, offering indoor swimming, a small theater, and other amenities would be economically feasible. As there is no other development of this type in Bridgeport, there would be no negative economic impacts to the community. There would be positive impacts to the youth (and adults) of the community should such a facility be opened by providing currently unavailable recreation activities in a safe, supervised setting.



### **Environmental Impacts, All Alternatives:**

The proposed action is not within a Wilderness, Wilderness Study Area, Area of Critical Environmental Concern, nor Wild and Scenic River corridor, and there will be no effects on any lands so designated.

There will be no impact to listed or sensitive wildlife species. There are no known listed or sensitive wildlife species or habitats within the proposed action area.

There will be no impacts to prime farm lands, flood plains, nor water quality (including ground or surface waters).

### **Environmental Impacts, Alternative 1, Designation:**

Alternative 1 is designation of the 40 acre parcel as available for sale or other disposal. Designation per se would have no impact upon the environment. The impacts identified below are based upon actual disposal and subsequent development.

#### Air Quality

Air quality will not be affected. Should the land be sold, there may be short term dust emission during construction of commercial and residential structures. There may be some increase in vehicle emissions following commercial or residential development. The proposed action is not within a federal air quality non-attainment area. The action will not result in the emission of PM10.

Sale and build out as proposed by the Tribe would potentially remove 30-40 acres of the sagebrush community depending on development plans. The removal of vegetation cover would cause increased soil erosion, run-off and some loss of wildlife habitat (see wildlife section below).

Transfer of the wetland area west of the highway would potentially result in the loss of that area. However, any actions that may involve the discharge of dredged or fill material into waters of the United States are subject to application with and review / approval by the Corps of Engineers under Section 404 of the Clean Water Act (33 U.S.C. 1344). In addition, any structures or work proposed in navigable waters (e.g. Bridgeport Reservoir) of the United States are subject to approval under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401). The Rivers and Harbors Act of 1899 applies due to Walker River being an interstate water which are by definition navigable waters of the United States. These are the same restrictions that apply to BLM management.

#### Special Status Plant Species

Residential and commercial development of the parcel would likely result in negative impacts to 5 populations of rare plant species. Depending upon mitigation / avoidance measures taken, the impacts could include removal of individual plants, changes in micro-site characteristics necessary for plant survival, increased competition from invasive non-native plants or even complete destruction of one or more populations.

#### Invasive, non-native species

Populations of non-native plant species occur in close proximity to the project area and include cheat grass (*Bromus tectorum*) and hoary cress (*Cardari draba*). In the Walker River drainage and in the vicinity of Topaz, numerous other non-native plants also occur, including scotch thistle (*Onopordum acanthium* ssp. *acanthium*), Canada thistle (*Cirsium arvense*), perennial pepperweed (*Lepidium latifolium*), and yellow star thistle (*Centaurea solstitialis*).

Because of the invasive nature of these species and their propensity to occupy open, disturbed sites there is potential that ground disturbance within the project area will create habitat for at least some of these species, especially cheat grass and yellow star thistle. Such invasions would impact adjoining public lands and potentially alter the native understory component of sagebrush steppe communities leading to the degradation of ecological function such as nutrient cycling and plant successional dynamics.

### Wildlife Habitat

The parcel appears to have limited value to wildlife due to its small size, proximity to human activity and isolation from larger, less disturbed habitat patches. There would be some slight negative impacts to habitat for small animals such as rodents, birds and reptiles due to development.

### Visual resources

There would be slight visual impacts, some positive, some negative, caused by economic development of the parcel (i.e., conversion of sage brush to buildings and clean up of the dump). A good portion of the east side of Highway 182 from its intersection with Highway 395 to this point has miscellaneous visual impacts from residential and other development, so it would not be out of character or noticeable in the overall regional setting.

### Cultural Resources

It has been determined that site CA-MNO-3126 is eligible for listing on the NRHP under Criterion D. Under this criterion the site must possess information which can contribute to our understanding of human history or prehistory and yield data which may have a significant bearing on regional research issues.

Development of the parcel as proposed by the Tribe would impact much of the CA-MNO-3126.

Appropriate mitigation measures would need to occur prior to disposal of the 4.8 acres encompassed by this site. It is anticipated that implementation of a scientific Data Recovery Plan would be required.

### Lands

The 40 acre parcel extends onto the west side of Highway 182, adjacent to the end of the Bridgeport Airport's runway. Transfer of that portion of the 40 acres could result in some conflicts with operation of the airport, although there are currently no plans for any development west of the highway.

No BLM records exist for the 25 acre can dump site. It is considered an old trespass and there are no responsible parties identified. There would be some financial impact to a purchaser to remove the dump during or prior to developing the parcel.

There would be similar costs to cleanup the second dump area containing buried cars, appliances and unknown debris.

There are 8 known right-of-way authorizations located within the parcel. Public land disposals require that existing encumbrances be protected. Authorized rights-of-way (ROW) and other valid third party rights will be recognized. Should the parcel be sold, the proponent would negotiate new easement/permit agreements with third party rights. Patents to selected public lands would be issued subject to any third party rights not successfully negotiated and replaced by a proponent easement or permit.

Caltrans does not wish to negotiate a new ROW authorization for Highway 182. Caltrans has requested that BLM retain the ROW in Federal ownership or that BLM sell the fee title of the ROW to Caltrans, and

has offered to reduce the size of the ROW to the minimum necessary for anticipated future road maintenance needs. There may be a financial and/or administrative impact to Caltrans if the patent is issued “subject to” the highway ROW.

There is no foreseeable impact to existing encumbrances except for Caltrans.

### Hazardous Materials

The historic can dump appears to be primarily surface material but may contain some buried items. The second dump is rather small in size, with buried appliances, automobiles, etc. Sub-surface testing of the second dump has shown no evidence of hazardous materials.

### Cumulative Impacts

Disposal of the public land, in connection with the land already identified for disposal by BLM in the Bridgeport area, will have a slight long-term cumulative impact on many resources found on public lands. As an example, if the special status plant species present are not protected, disposal of the parcel has the potential to add to the small but steady region-wide loss of sensitive plant habitat.

Disturbance of the existing vegetative community for development of the parcel has the potential of adding to the spread of invasive, noxious weeds that is occurring throughout the county and Great Basin.

Disposal of the parcel to a private entity for commercial or housing development would potentially have some positive impacts on the local economy or potentially impact the county’s ability to provide services.

Considering the Tribe’s past loss of land base for traditional subsistence and the change in the economy of the area from agricultural to tourism, sale of the parcel to the Tribe and economic development of the parcel has the potential to add to the viability of the Tribe as a governmental and cultural entity.

### **Description of Mitigation Measures and Residual Impacts:**

Special Status Plant species located in the project area should be buffered within islands of native plants to ensure perpetuation of micro-site characteristics such as site hydrology and soil texture. Prior to any disposal, an agreement should be developed that provides for long-term protection for all of the *Cusickiella quadricostata* populations and 50% of the *Arabis cobrensis* populations. The *Arabis cobrensis* populations that would be protected provide the best opportunities for perpetuating the species at this location. *Arabis cobrensis* populations 4 and 5 both occur in already previously impacted sites; population 5 is within an old dump site and population 4 is adjacent to a large debris pile. Populations 2 and 3 should be protected under the agreement. These populations, in contrast to populations 4 and 5, are within more intact habitat and contain enough younger age-class individuals to sustain the populations over the long-term. The removal of sites 4 and 5 from protection would not likely affect the overall biological sustainability of *Arabis cobrensis* within the parcel.

The significant cultural resources of prehistoric site MNO-3126 should be protected and/or mitigated per requirements of the National Historic Preservation Act of 1966, as amended.

### Residual Impacts:

There may be some economic impact to existing gasoline / mini-mart businesses in the Bridgeport area. There may be some economic impact to Mono County if development of the parcel does not generate sufficient county revenues to cover the increased costs of county services.

There may be impact to future Caltrans efforts to widen or otherwise maintain State Highway 182.

Some visual impacts would occur should the parcel be sold and developed.

Loss of natural vegetation would occur as the site is developed, increasing potential for soil erosion and introduction / spread of invasive weeds.

Depending upon how an agreement is worded, as much as 50% of the *Arabis cobrensis* populations on the parcel would be lost due to construction activities.

### **Environmental Impacts, Alternative 2, Non-Designation:**

Alternative 2 is the No Action Alternative. Under this alternative, the parcel would not be designated for disposal. The entire parcel would remain in federal ownership, managed by BLM.

Under this alternative, there would be no development and no resource impacts as described in the other alternatives.

### Economic and Social Benefits

There would be no change in the existing economic or social situation within the Bridgeport area.

The Tribe would lose the opportunity for economic venture offered by acquisition of the 40 acres, thus forgoing all of the potential positive impacts for Tribal members who are considered to be primarily low income and a minority group, per Executive Order 12898 (2/11/94). The Tribe would lose the opportunity for new jobs, and for putting money into the Tribal treasury to provide other benefits to its members.

The Tribe would also lose the potential for residential development on the parcel.

There would be no need for extra services potentially required by Tribal commercial and residential development and thus no added burden upon the County.

Similarly, there would be no loss of business by competing businesses in the town.

However, there would also be no spin-off benefits that would accrue to the local economy through the jobs created, the income taxes paid, the services offered the local community and the added attractions for tourists / visitors in northern Mono County.

### Cumulative Impacts

Considering the Tribe's past loss of land base for traditional subsistence, the change in the economy of the area from agricultural to tourism, and the need to develop an economic base, there would be an unquantifiable loss in the Tribe's ability to maintain itself as a viable governmental entity and to provide for the needs of its members – culturally and economically.

BLM will be left with an isolated parcel of land that will continue to receive impacts from adjacent land owners and uses, including incidental and intentional trespass and OHV caused damage to vegetation and cultural resources.

### **Public Involvement / Persons & Agencies Consulted:**

During the past several years, the Tribe, BLM, and Mono County have all participated in and hosted public meetings to discuss disposal of this parcel, including transfer of the parcel to the Tribe.

The BLM conducted a public meeting in Bridgeport on October 12, 1999 to solicit public input on the sale proposal. Approximately 25 individuals, primarily tribal members, attended the meeting which included presentations by BLM Field Manager Steve Addington, Bridgeport Indian Colony Tribal Development Coordinator Art Sam, and California Indian Legal Services representative Stephen Quesenberry. Most participants enthusiastically supported tribal acquisition of the parcel.

The only objection to the sale was from Tom Porter, representing Congressman John Doolittle. While the Congressman supports tribal efforts to become economically self-sufficient, he is opposed to transfer of lands to tribes unless there is a binding no-gaming provision. While the Tribe has no intent to conduct gaming on the parcel, the Tribe will not agree to a binding no-gaming provision because it “will not waive its sovereign right to determine its own destiny.”

The sale proposal was also discussed at two Bridgeport community visioning workshops hosted by the Mono County Collaborative Management Team in August 1999. Workshop participants expressed support for the Tribe’s efforts to gain economic self-sufficiency.

The Mono County Board of Supervisors has also expressed support of the Tribe’s efforts to gain economic self-sufficiency. The Board, however, expressed opposition to the sale unless the Tribe signs a binding, legal agreement that the Tribe 1) will abide by State and County environmental ordinances; 2) will collect state sales taxes on any sales; 3) will make “in lieu” payments to the County to compensate for not paying property tax; and 4) will not use the land for gaming. The Mono County Board of Supervisors, however subsequently, expressed confidence at its May 1, 2001 meeting that outstanding issues could be resolved using the recently adopted Protocol for Government-to-Government Relations Between the Bridgeport Indian Colony and the County of Mono.

The Tribe’s plans to develop this parcel also conflicts with the county’s Regional Planning Advisory Council’s goal of discouraging retail development north of the town of Bridgeport. The sale is, however, consistent with the County General Plan as discussed earlier in the section titled “Conformance with Local Plans”.

Most public comment received by the BLM has been supportive of transfer of this parcel to the tribe, including some local business owners who would potentially be in direct competition with the Tribe’s economic development proposals. They believe that any economic development by the Tribe will help the entire economy – more jobs and more attractions – thus benefiting them and the entire economy of northern Mono County. Other potentially competing business owners have objected to the sale.

There has been some concern expressed by a person who recently purchased a home adjacent to the subject parcel, but had not been informed of the proposed sale by the realtor or seller. Information has been provided to this person.

### **Agencies & Individuals**

Bridgeport Indian Colony  
California Indian Legal Services  
Mono County Board of Supervisors  
Mono County Planning Dept.  
Congressman Dolittle's office  
California Dept of Transportation  
Bridgeport Public Utility District  
Members of the general public, local home-owners & business-owners

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**Preparer(s):**

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Joy Fatooh	BLM Wildlife Biologist
Anne Halford	BLM Botanist
Kirk Halford	BLM Archeologist
Larry Primosch	BLM Realty Specialist
Tom O'Toole	BLM Cadastral Surveyor

**Date:** March 19, 2003

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Environmental Coordinator

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### PROPOSED DECISION and FINDING OF NO SIGNIFICANT IMPACT

Subject to the 30 day Protest Period and the Governor's Consistency Review, it is my proposed decision to amend the Bishop Resource Management Plan to allow for the sale or other disposal of the approximately 40 acres of land described as: Lots 1, 2, 3 and 4, Section 28, T 5 N, R 25 E, MDBM, California as shown on the certified Dependent Resurvey Plat dated February 28, 2003.

Due to transfer of the landfill / transfer station to Mono County, the parcel is now isolated from other public lands and is difficult and uneconomical to manage for public land values.

The Resource Management Plan identified 270 acres for disposal in the Bridgeport area to provide for residential expansion and community services. Because all of this land identified in the RMP for disposal is within Wilderness Study Areas, it is not available for disposal nor is it likely to become available for disposal for several years, leaving residential and community service expansion needs (especially those of the Tribe) unmet. Designation of this parcel will help meet the need for additional retail and commercial services and residential development. Actual sale or disposal would be under the authority of the Federal Land Policy and Management Act (FLPMA) and analyzed in a separate NEPA document.

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. There will be no effect on threatened or endangered species as a result of the decision. An agreement between BLM and any purchaser will assure that sustainable populations of *Arabis cobrensis* and *Cusickiella quadricostata* are preserved on the parcel.

I have determined that this decision, with the following mitigation measures and stipulations, will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

#### Stipulations:

Prior to disposal of the parcel, BLM will develop an agreement providing for the protection of at least 50% of the rare plant populations on the parcel. The agreement shall provide for at least 50% of the plant populations of Special Status Plant species located in the project area will be buffered within islands of native plants to ensure perpetuation of micro-site characteristics such as site hydrology and soil texture.

Per the decision above, the 4.8 acres encumbered by archaeological site CA-MNO 3126 shall not be available for disposal until the completion of an appropriate Scientific Data Recovery Strategy has been implemented to the satisfaction of the California State Historic Preservation Officer.

**Recommended By:** \_\_\_\_\_ **Date:**  
Bill Dunkelberger  
Field Manager

**Approved By:** \_\_\_\_\_ **Date:**  
Mike Pool  
California State Director